

EXHIBIT 1



Hon. Garrett E. Brown, Jr. (Ret.)

JAMS Mediator, Arbitrator, Referee/Special Master,
Neutral Evaluator

Case Manager

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Biography

Chief Judge Brown joined JAMS in 2012, after serving more than a quarter-century on the bench of the United States District Court for the District of New Jersey – including six years as Chief Judge. Now, as a JAMS Neutral, Judge Brown facilitates prompt, efficient, and economical resolution of commercial disputes through mediation, arbitration, special mastership and neutral analysis.

Before taking the federal bench in 1985, Judge Brown tried criminal and civil cases to jury verdicts as both an Assistant United States Attorney for the District of New Jersey, and as a litigator in private practice. As a United States District Judge, he presided over criminal and civil cases, which collectively spanned the breadth of federal subject-matter jurisdiction. Judge Brown is known for his expertise in complex commercial litigation, particularly within the realms of intellectual property, pharmaceuticals, class-action, and coordinated/multi-district litigation.

Judge Brown brings focus, energy, and extensive preparation to all matters, in an effort to facilitate prompt, efficient, and economical dispute resolution – regardless of the issues presented, or the relief sought. Judge Brown continues to resolve commercial disputes that vary in scope and complexity – from single-day mediations, to lengthier arbitrations and quasi-judicial special masterships, to on-demand neutral analysis attendant to motion practice, trials, and appeals.

ADR Experience and Qualifications

- During his 26 years on the federal bench, Chief Judge Brown has presided over and resolved by settlement, trial, or judgment some 9,000 cases involving a wide range of issues, including:
 - Antitrust
 - Banking
 - Bankruptcy
 - Civil rights
 - Class actions
 - Complex commercial
 - Construction
 - Employment/Labor
 - Environmental
 - Government agencies
 - Health care
 - Insurance
 - Intellectual property: patents, trademarks, copyrights, unfair competition, and licensing
 - Maritime/Admiralty
 - Pharmaceuticals and medical devices/mass torts
 - Securities

Representative Matters

During his service as Chief Judge, in addition to leading a large metropolitan court of 38 judicial officers, Judge Brown maintained a full civil caseload, assisting other judges in complex cases, trying about 11 cases a year and settling many, many more. He was also designated by the Judicial Panel on Multi-District Litigation to manage numerous MDL cases during this period, which resulted in

numerous settlements. Since many of the most challenging matters Judge Brown has handled and resolved are subject to confidentiality orders, the names and details of representative matters are not set forth.

- **Antitrust**

- Presided over a consolidated matter involving a putative class of title insurance purchasers that alleged injuries as a result of a price-fixing conspiracy by insurance providers
- Presided over matters involving claims of monopolization of software and services in violation of federal antitrust laws, in several industries, including sports and telecommunications

- **Bankruptcy**

- Approved the sale of former automobile executive's 434-acre property to a golf course developer, for \$15.25 million and resolved a contentious, multi-district five-year legal battle. The proceeds from the sale were earmarked for creditors, who thereby received about half of the total outstanding debt.
- Actively managed and approved the final Plan and Settlement in the Chapter 11 bankruptcy case, a roofing materials manufacturer, the successor-in-interest to an entity named in 5 million asbestos actions. Under the Joint Plan of Reorganization, a settlement trust was created to process, liquidate, and pay valid asbestos personal injury claims as well as address asbestos contaminated sites.
- Actively managed and ultimately approved the plan of reorganization resolving almost 140 wrongful death and personal injury lawsuits in case involving 390 ephedra-related personal injury and/or wrongful death claims, two consumer class actions, four enforcement actions by governmental agencies, and multiple adversary proceedings related to the Chapter 11 case of the seller of the popular ephedra-containing diet pill and other supplements. Ephedra was linked to health risks and banned by the U.S. Food and Drug Administration in April 2004. The herbal stimulant had been associated with heart palpitations, strokes, seizures, high blood pressure, and heart attacks.

- **Class Actions**

- **ERISA:** Presided over a class action dispute brought by participants in a Long Term Savings Plan for Management Employees for compensation for losses related to breach of ERISA-mandated duties in the operation and administration of the Plan and granted preliminary and final approval of the \$29 million settlement
- **Securities Fraud**
 - Presided over a trial in a securities fraud class action, which resulted in settlement prior to verdict at Judge Brown's recommendation; settlement upheld on appeal to the Third Circuit
 - Presided over and approved the final settlement of the class action alleging violations of the Securities Act against former officers and directors of a now defunct generic drug manufacturer

- **Employment/Labor**

- Presided over a number of trials involving claims of employment discrimination and settled many more

- **Intellectual Property**

- **Patent Litigation**

- Presided over a month-long jury trial, a case involving patent infringement claims related to high speed DSL modem technology. The jury found that all claims of the patents in the suit were valid and infringed, and awarded \$112 million in economic damages.
- Presided over a month-long jury trial, a case involving patent infringement claims relating to semiconductor technology. The jury found noninfringement and rendered two of the patents invalid.
- Presided over a jury trial, a case involving patent infringement claims relating to communications and control within defendant's mailing machines. The jury found that plaintiff infringed the patents, but found that those patents were invalid on the grounds of anticipation. Judge Brown upheld the jury verdict in a post-trial memorandum, which was summarily affirmed by the Federal Circuit.
- Presided over a two-week jury trial, a case involving a nursing garment with a built-in nursing bra, in which the jury found three patents invalid, declined to find infringement by one defendant and found one patent unenforceable due to inequitable conduct. Judge Brown sustained the jury's verdict on all counts, denying motions for judgment as a matter of law and awarded costs to defendants.
- Presided over a bench trial, a patent infringement case involving the pharmaceutical tizanidine. After reviewing post-trial briefing, Judge Brown issued a bench opinion, finding noninfringement in favor of defendant's proposed marketing of its generic product and ordered plaintiff's patent invalid because it lacked enablement.
- Presided over a one-week jury trial of a patent infringement case regarding interference suppression technology for ethernet jacks. After the jury was unable to reach a verdict, Judge Brown was able to assist the parties to reach a settlement.
- Presided over all aspects of litigation, a consolidated patent case involving Sanofi's patents relating to the drug Allegra, and assisted in settlements
- Presided over a patent infringement case involving a slow-release morphine technology. After trying the case, the parties amicably settled the action.
- Presided over a two-week jury trial in a patent infringement case involving metalized plastic cutlery. Judge Brown ordered a new trial. Thereafter, the parties settled the case on amicable terms.
- Presided over a jury trial, a case involving patent infringement claims regarding technology related to methods of use for a drug where the jury found that all asserted claims of the patent were invalid and not infringed

- **Trademark**

- Presided over a trial disallowing the use of a toy manufacturer's false and misleading advertising but upholding its right to continue manufacturing the product at issue without any changes in design
- Presided over a case involving trademark, trade dress, and unfair competition between competing fast food restaurants
- Presided over many Lanham Act cases involving health care and household and consumer products

- **Maritime/Admiralty**

- Adjudicated numerous admiralty/maritime cases involving: (1) Jones Act-based personal injury claims, including complex toxic torts actions; (2) maritime collision and Limitation of Liability Act issues; (3) charter, cargo, and marine insurance

- **Multi-District Litigation (MDL)**

- Presided over MDL No. 1443 – In re: Insurance Brokerage Antitrust Litigation, involving allegations that certain insurance brokers solicited rigged bids from insurers and received kickbacks for steering customers to those companies. One group of insurers settled for \$121 million and a group of brokers settled for \$28 million. Judge Brown approved both class action settlements and awarded \$29.5 million in attorney fees for the larger settlement. The Third Circuit Court of Appeals affirmed the settlement in its entirety.
- Presided over MDL 1471– In Re: Compensation of Managerial, Professional and Technical Employees Antitrust Litigation, an antitrust matter involving claims that major U.S. oil companies exchanged detailed salary information in an effort to suppress the growth of oil industry salary levels. Judge Brown ultimately granted defendants' motion for summary judgment on the basis that plaintiffs failed to present evidence to sufficiently define the product market.
- Presided over the ongoing MDL No. 2243 – In re: Fosamax (Alendronate Sodium) Products Liability Litigation (No. II), which involved hundreds of cases against Merck & Co., Inc. alleging products liability claims for femur fracture injuries as a result of taking the osteoporosis drug commonly at issue in that MDL
- Presided over the ongoing MDL No. 1687 – In re Ford Motor Co. E-350 Van Products Liability Litigation (No. II), a products liability, warranty, and consumer fraud action involving claims that design defects led to Ford's 15-passenger vans' stability problems and a poor reputation that decreased their actual value to customers. Through motion practice, Judge Brown resolved more than 60 of the original 80 claims initially brought by 20 named plaintiffs from 11 states, and he also denied the plaintiffs' initial motion for class certification.

- **International Legal Experience**

- Judge Brown has taught International Admiralty and Maritime Law courses as an Adjunct Professor at Seton Hall University School of Law programs in Egypt (2006 and 2009) and Tanzania (2010 and 2011). He has hosted judges from Japan, Russia, and the Ukraine as part of judicial exchange programs, and represented the U.S. Maritime Administration in

diplomatic negotiations with Iceland, the USSR, and Peoples Republic of China and on various NATO matters. He has lectured abroad for the U.S. Department of State and U.S. Information Agency on various aspects of American law in Japan, the Philippines, Indonesia, Malaysia, Singapore, Australia, and New Zealand. He represented various international clients while in private practice and while on the bench, he has addressed various international issues including the Foreign Corrupt Practices Act, the Foreign Sovereignty Immunity Act, and various Hague Conventions and treaties.

Honors, Memberships, and Professional Activities

- Completed Virtual ADR training conducted by the JAMS Institute, the training arm of JAMS
- Recipient, William J. Brennan, Jr. Award for distinguished service, Association of the Federal Bar of New Jersey
- Recipient, distinguished service awards from the Attorney General and from the Public Printer of the United States
- Received designation of Honorary Rear Admiral, U.S. Maritime Service
- Founding member and active participant, John C. Lifland Intellectual Property Inn of Court
- Fellow, American Bar Foundation
- Member, Third Circuit Judicial Council, 2005-2012
- Judicial Conference of the United States: Third Circuit District Court Member, 2005-2008; committee member, 1997-2004
- Board of Visitors member, Duke University School of Law, 2010-present
- Member, District Judge Education Advisory Committee, Federal Judicial Center, 1999-2004 (lecturer at various CLE programs)
- Continuing Legal Education Lecturer: In recent years, Chief Judge Brown has taught over 20 CLE courses to practicing attorneys around the country on such subjects as patent law and litigation, class action, securities, commercial finance and complex litigation, drug and medical device litigation, and negotiation and alternative dispute resolution. The organizations he has lectured before include PLI, ALI-ABA, NYIPLA, ACI, IQPC, West Legal Works, ICLE, NJSBA, and AFBNJ
- Chief Justice Weintraub Lecturer, Rutgers University School of Law, Newark, NJ
- Adjunct Professor, Seton Hall School of Law, Newark, NJ, 1995-2012 (taught over 20 courses on federal courts and jurisdiction, admiralty and maritime law, professional responsibility, civil trial persuasion and advocacy, legal negotiation, and dispute resolution)

Background and Education

- Judge, United States District Court, District of New Jersey, 1986-2012 (Chief Judge, 2005-2012)
- Chief Counsel (1983-1985) and Acting Administrator (1985), U.S. Maritime Administration
- General Counsel, U.S. Government Printing Office, 1981-1983
- Private Practice, Newark, NJ, 1973-1981

- Assistant U.S. Attorney, Deputy Chief, Criminal Division, and Executive Assistant, District of NJ, 1969-1973
- Law Clerk, Hon. Vincent S. Haneman, Justice, Supreme Court of New Jersey
- J.D., Duke University School of Law, 1968
- B.A., Lafayette College, 1965
- Member of the New Jersey, New York, and District of Columbia bars

News

- December 12, 2016
JAMS Ranked Best ADR Provider in New Jersey
<https://www.jamsadr.com/news/2016/jams-ranked-best-adr-provider-in-new-jersey>
- December 15, 2015
JAMS Ranked Best ADR Provider in New Jersey
<https://www.jamsadr.com/news/2015/jams-ranked-best-adr-provider-in-new-jersey>
- October 28, 2013
JAMS Places First in the New Jersey Law Journal “Best of” Survey
<https://www.jamsadr.com/news/2013/jams-places-first-in-the-new-jersey-law-journal-best-of-survey>
- February 1, 2012
U.S. District Chief Judge Hon. Garrett E. Brown, Jr. (Ret.) Joins JAMS
<https://www.jamsadr.com/news/2012/us-district-chief-judge-hon-garrett-e-brown-jr-joins-jams>

Events

- February 1, 2023
Commercial Arbitration: Trending Topics and Recent Developments
New York, NY, United States
<https://www.jamsadr.com/events/2023/commercial-arbitration-trending-topics-and-recent-developments>
- November 9, 2022
NYIPLA Patent CLE Seminar
New York, NY
<https://www.jamsadr.com/events/2022/patent-cle-seminar>
- July 29, 2020
ALTERNATIVE DISPUTE RESOLUTION IN THE COVID-19 WORLD: A PANEL DISCUSSION

<https://www.jamsadr.com//events/2020/alternative-dispute-resolution-in-the-covid-19-world-a-panel-discussion>

- April 26, 2019
Fordham Law School Intellectual Property Law & Policy Conference: Sunrise Seminar on Alternative Dispute Resolution
New York, NY, USA
<https://www.jamsadr.com//events/2019/fordham-law-school-intellectual-property-law-policy-conference-sunrise-seminar-on-alternative-dispute-resolution>
- November 15, 2018
NYIPLA: One-Day Patent CLE Seminar - Arbitration of Patent Disputes
New York, NY
<https://www.jamsadr.com//events/2018/nyipla-one-day-patent-cle-seminar-arbitration-of-patent-disputes>
- June 19, 2018
Mediating Patent Infringement Disputes: Current Trends and Future Considerations
New York, NY
<https://www.jamsadr.com//events/2017/mediating-patent-infringement-disputes-current-trends-and-future-considerations>
- June 12 - 14, 2017
American Conference Institute's 8th Annual Summit on Biosimilars
New York, NY
<https://www.jamsadr.com//events/2017/american-conference-institutes-8th-annual-summit-on-biosimilars>

Publications

- Fall, 2014
The Use of ADR in Maritime Disputes
Focus Latin America
https://www.jamsadr.com//files/uploads/documents/articles/brown-silverman-smalkin_maritime-disputes_alm_2014-fall.pdf

Practice Areas

- Antitrust
- Arbitration
- Banking
- Bankruptcy

- Business/Commercial
- Civil Rights
- Class Action/Mass Torts
- Construction
- Employment
- Environmental
- Federal Judge
- Governmental/Public Agency
- Health Care
- Insurance
- Intellectual Property
- Life Sciences
- Admiralty
- Pharmaceuticals/Mass Tort
- Securities

Locations

- New York, New York

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